

RESOLUTION NO. 2016294

RE: AUTHORIZING PAYMENT OF 2015 UNENCUMBERED  
VOUCHERS FROM 2016 FUNDS – HUMAN RESOURCES/  
RISK MANAGEMENT (A.1910.12)

Legislators FLESLAND, SAGLIANO, JETER-JACKSON and LANDISI offer  
the following and move its adoption:

WHEREAS, the submission of vouchers following the close of the 2015 budget  
year has shown that there are outstanding 2015 payment invoices in the Department of Human  
Resources/Risk Management in the sum of \$1,084.00 for services to said department which were  
not billed until 2016 and there were no 2015 encumbered funds remaining to pay this bill, and

WHEREAS, said charges were proper except that appropriations that were made  
were left unencumbered at the end of the close out date for submission for 2015, and

WHEREAS, the charges reflected by said vouchers remain unpaid, and

WHEREAS, the State Comptroller has, pursuant to County Law Section 362,  
expressed the opinion that claims for services rendered to a county in an earlier year may be paid  
in a later year if the contracts were valid when made and if there are moneys legally available to  
be used for such purposes (Opinion 69-686), now, therefore, be it

RESOLVED, that payment from 2016 funds is hereby approved from the  
following account in the amount indicated:

<u>Line Item No.</u>		<u>Amount</u>
A.1910.12.4444	Attys/Assgnd Counsel	\$1,084.00
CA-170-16		
kh/G-0749		
11/7/16		

Fiscal Impact attached: Reduction of 2016 appropriations in amounts indicated.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with  
the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of December 2016, and that the  
same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8<sup>th</sup> day of December 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

## APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 1,084

Total Current Year Revenue \$ \_\_\_\_\_  
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):  
A.1910.12.4444

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

To authorize the use of 2016 funds to cover 2015 invoices for legal fees.

Prepared by: Donna Lehnert

Prepared On: 11/3/2016



McCABE & MACK LLP  
ATTORNEYS AT LAW  
63 WASHINGTON STREET  
POST OFFICE BOX 509  
POUGHKEEPSIE, N.Y. 12602-0509  
(845) 486-6800  
TAXPAYER IDENTIFICATION NUMBER: 14-1336856

Dutchess County Attorney  
James M. Pedorehak, Esq.  
22 Market Street  
Poughkeepsie, NY 12601

Invoice 129417  
March 14, 2016  
Claim Number: L-5550

ID: 2581-0201 - DLP

Re: Dutchess, County of ads: Mfon, Emmanuel

For Services Rendered Through 12/31/2015

Balance Forward		0.00
Current Fees	150.00	
Total Current Charges		150.00
Total Due		150.00

Thank you for your business.  
Payments are due within 30 days.  
We accept MasterCard, Visa and Discover.  
Please use our secure web page [mcm.com](http://mcm.com) to make your payment or  
Call our Accounting Department at 845-486-6831.

## McCabe &amp; Mack, LLP

Dutchess County Attorney

I.D. 2581-0201 - DLP

Re: Dutchess, County of ads. Mfon, Emmanuel

March 14, 2016

Invoice 129417

Page 2

		Fees				
Date	Description of Services	Atty	Inst/Aol	Hours	Rate	Amount
12/03/15	Raylow Dr. Pinkels' notes	DLP		0.10	150.00	15.00
12/04/15	E-mail from plaintiff's attorney re: plaintiff's BBT	DLP		0.10	150.00	15.00
12/18/15	Telephone conversation with Matt James from Travelers re: status.	DLP		0.40	150.00	60.00
12/18/15	E-mail to and from Bill Greenberg re: liability expert BBTs.	DLP		0.20	150.00	30.00
12/21/15	E-mail from plaintiff's attorney re: expert deposition.	DLP		0.10	150.00	15.00
12/23/15	Telephone conversation with plaintiff's attorney re: Mfon BBT.	DLP		0.10	150.00	15.00
Total Fees				1.00		\$150.00

		Hours	Rate/Hour	Amount
David L. Posner	Partners	1.00	150.00	150.00



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65 WASHINGTON STREET  
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(845) 486 6800  
TAXPAYER IDENTIFICATION NUMBER: 14-1936856

Dutchess County Attorney  
James M. Fedordak, Esq.  
22 Market Street  
Poughkeepsie, NY 12601

Invoice 129330  
March 9, 2016  
Claim Number: L-5581

ID: 2581-0210 - DLP

Re: Dutchess, County of ads, DiPablo, Frank

For Services Rendered Through 12/31/2015

Balance Forward		0.00
Current Fees	90.00	
Total Current Charges		90.00
Total Due		90.00

Thank you for your business.  
Payments are due within 30 days.  
We accept MasterCard, Visa and Discover.  
Please use our secure web page [mcm.com](http://mcm.com) to make your payment or  
Call our Accounting Department at 845-486-6831.

## McCabe &amp; Mack, LLP

Dutchess County Attorney

LD, 2581-0210 - DLP

Re: Dutchess County of ads, DiPablo, Frank

March 9, 2016

Invoice 129330

Page 2

		Fees					
Date	Description of Services	Atty	Task/Act	Hours	Rate	Amount	
12/29/15	E-mail to/from Jeff Manson at Verolatan	DLP		0.20	150.00	30.00	
12/31/15	Review Traveler's reservation letter	DLP		0.40	150.00	60.00	
Total Fees				0.60		90.00	

		Hours	Rate/Hour	Amount
David L. Pospor	Partners	0.60	150.00	90.00



McCABE & MACK LLP  
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68 WASHINGTON STREET  
POST OFFICE BOX 509  
POUGHKEEPSIE, N.Y. 12602-0509  
(845) 486-6800  
TAXPAYER IDENTIFICATION NUMBER: 14-1536866

Dutchess County Attorney  
James M. Fedorchak, Esq.  
22 Market Street  
Poughkeepsie, NY 12601

Invoice 129422  
March 14, 2016  
Claim Number: L-5600

ID: 2581-0209 - DLP

Re: Dutchess County of ads, DeCosimo, Estate of Mason

For Services Rendered Through 12/31/2015

Balance Forward		0.00
Current Fees	525.00	
Total Current Charges		525.00
Total Due		525.00

Thank you for your business.  
Payments are due within 30 days.  
We accept MasterCard, Visa and Discover.  
Please use our secure web page [mcm.com](http://mcm.mcm.com) to make your payment or  
Call our Accounting Department at 845-486-6831.

## McCabe &amp; Mack, LLP

Dutchess County Attorney  
 L.D. 2581-0209 - DLP  
 Re: Dutchess, County of ads, DeCosmo, Estate of Mason

March 14, 2016  
 Invoice# 129422  
 Page 2

Date	Description of Services	Atty	Time/Act	Hours	Rate	Amount
12/02/15	E-mail to Family Court Clerk re: subpoena	DLP		0.10	150.00	15.00
12/02/15	Draft 12(b)(6) letter to Keras	DLP		0.70	150.00	105.00
12/02/15	Telephone conversation with P. Palladino - Family Court Chief Clerk	DLP		0.20	150.00	30.00
12/03/15	Draft 12(b)(6), 12(b)(5) letter	DLP		0.30	150.00	45.00
12/04/15	Draft 12(b)(6) letter	DLP		0.30	150.00	45.00
12/07/15	Correspondence from plaintiff's attorney re: pro hac vice admission	DLP		0.10	150.00	15.00
12/08/15	Telephone conversation with M. Cook, Ulster County attorney re: 12(b)(6) motion	DLP		0.10	150.00	15.00
12/10/15	E-mail from Deb Bonnerwill/NYS OCFs	DLP		0.10	150.00	15.00
12/10/15	Review unfounded letters from NYS OCFs to K. Wolfert to DeCosmo	DLP		0.20	150.00	30.00
12/15/15	Correspondence from Ulster County attorney to court re: conference	DLP		0.20	150.00	30.00
12/15/15	E-mail to plaintiff's attorney re: conference tomorrow	DLP		0.10	150.00	15.00
12/16/15	Telephone conference with Magistrate McCarthy.	DLP		0.30	150.00	45.00
12/18/15	E-mail to and from Jeff Manson re: status of case.	DLP		0.10	150.00	15.00
12/23/15	E-mail to P. Palladino, Family Court Clerk, re: subpoena.	DLP		0.10	150.00	15.00
12/23/15	Draft new subpoena.	DLP		0.10	150.00	15.00
12/23/15	Telephone conversation with P. Palladino at Family Court.	DLP		0.10	150.00	15.00
12/31/15	Review file in preparation for Family Court file review	DLP		0.40	150.00	60.00
Total Fees				3.50		\$525.00

David L. Posner	Partners	Hours	Rate/Hour	Amount
		3.50	150.00	\$525.00





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63 WASHINGTON STREET  
POST OFFICE BOX 809  
POUGHKEEPSIE, N.Y. 12602-0809  
(845) 486-6800  
TAXPAYER IDENTIFICATION NUMBER: 14-1336856

Dutchess County Attorney  
James M. Pedorolink, Esq.  
22 Market Street  
Poughkeepsie, NY 12601

Invoice 129672-1  
March 22, 2016  
Claim Number: L-5693

ID: 2581-0216 - DLP

Re: Dutchess, County of ads. White, Frank SPLIT bill with City of Poughkeepsie

For Services Rendered Through 2/29/2016

Balance Forward		4,701.40
Current Disbursements	319.00	
50 % of 638.00		
Total Current Charges		319.00
Total Due		5,020.40

PAID BY ATTORNEY  
RECEIVED  
MAR 24 4 11:53

Thank you for your business.  
Payments are due within 30 days.  
We accept MasterCard, Visa and Discover.  
Please use our secure web page [mcom.com](http://mcom.com) to make your payment or  
Call our Accounting Department at 845-486-6831.

McCabe & Mack, LLP

Dutchess County Attorney

I.D. 2581-0216 - DLP

Re: Dutchess, County of ads. White, Frank SPLIT bill with City of Poughkeepsie

March 22, 2016

Invoice 129672-1

Page 2

Disbursements		Amount
Date	Disbursement Description	
12/08/15	Transcript Fee; dms/transcripts	638.00
Total Disbursements		\$638.00

\$319<sup>00</sup>



80 Washington Street, Ste 208  
Poughkeepsie, New York 12601  
(845) 452-1088  
(845) 452-2071-fax  
Tax ID# 01-0738978

TO: ACCOUNTING  
FILE #: 815-66  
FROM: *Donna*

# Invoice

Date	Invoice #
9/8/2015	24626

<b>Bill To</b> McCabe & Mack 63 Washington St. P.O. Box 809 Poughkeepsie, NY 12602-0509 ATTN: DAVID POSNER, ESQ.
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HAND DELIVERED

<b>P.O. Number</b> 13896
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Terms	Ship Via	Rep	Case Name
Upon Receipt	Hand Deliver	SG	White v. City of Poughkeepsie
Job Date	Description		Amount
8/26/2015	Transcript of Deposition: FRANK W. WHITE, JR. Original & 1 Copy  <div>1258 lit \$319.00</div> <div>THANK YOU for your business!</div>		638.00

WE ACCEPT VISA, MASTERCARD & AMEX

Terms are Due Upon Receipt. All balances in arrears will be assessed a late charge of 1.5% per month, not to exceed the legal limit.

Please make your check payable to Schneider & Meisler, Inc  
Thank you for your business!

Total	\$638.00
Payments/Credits	\$0.00
Balance Due	\$638.00

www.smcporters.com

McKinney's Consolidated Laws of New York Annotated  
County Law (Refs & Annos)  
Chapter 11. Of the Consolidated Laws  
Article 7. Finance (Refs & Annos)

McKinney's County Law § 362

§ 362. General budgetary controls

Currentness

1. A separate account shall be kept of each appropriation by the chief fiscal officer. Each such account shall show the amount appropriated, the amount encumbered but remaining unexpended, the several amounts expended therefrom and the unencumbered balance.

2. Whenever any liability of any nature shall be incurred for or by an administrative unit, the head of such unit shall file in the office of the chief fiscal officer a written statement signed by him or his authorized agent setting forth the nature and amount of the liability, or an estimate thereof if the exact amount is unknown, and the appropriation against which it is chargeable; provided that the state comptroller may prescribe, as a part of a uniform system of keeping accounts for counties, that such written statements need not be filed in those cases where he shall determine that compliance with the requirements of this subdivision would be impractical.

3. No expenditure, or contract which in any manner involves the expenditure of money or the incurring of any pecuniary liability, shall be made or entered into by any administrative unit, officer or employee, unless an amount has been appropriated and is available therefor or has been authorized to be borrowed pursuant to the local finance law. No fund or appropriation account shall be overdrawn at any time; nor shall one fund or appropriation account be drawn upon to pay any claim chargeable to another. Nothing in this subdivision shall prevent the making of a contract or lease for a term exceeding one year when authorized by law; nor shall anything in this subdivision require a county which has entered into a contract or lease for a term exceeding one year to pay during the current fiscal year any amounts larger than those which become due and owing during that year under the terms of such lease or contract.

4. Whenever during a fiscal year it shall appear probable to the budget officer that the moneys available for such year will be insufficient to meet the amounts appropriated, he shall forthwith notify the board of supervisors of this fact, stating the probable amount of such deficiency in funds. The budget officer may include his recommendations as to the action which should be taken. The board of supervisors after such investigation as is deemed necessary may reduce any appropriation or appropriations by resolution so as to prevent the making of expenditures in excess of moneys available. Nothing in this subdivision shall permit the reduction of an appropriation below the minimum amount required by law to be appropriated, nor shall any appropriation be reduced by more than the unencumbered balance therein. This subdivision shall not apply to counties adopting the provisions of section three hundred seventy-five.

Credits

(L.1950, c. 691. Amended L.1951, c. 686; L.1951, c. 687; L.1952, c. 509, § 6.)

McKinney's County Law § 362, NY COUNTY § 362